

**RULE 1193. CLEAN ON-ROAD RESIDENTIAL AND COMMERCIAL REFUSE
COLLECTION VEHICLES**

(a) Purpose

For solid waste collection fleets operating in the South Coast Air Quality Management District (District), this rule requires public and private solid waste collection fleet operators to acquire alternative-fuel refuse collection heavy-duty vehicles when procuring or leasing these vehicles for use by or for governmental agencies in the South Coast Air Quality Management District (District) to reduce air toxic and criteria pollutant emissions.

(b) Applicability

This rule applies to government agencies ~~and private entities~~ that operate solid waste collection fleets with 15 or more solid waste collection vehicles and private fleet operators that provide solid waste collection services to governmental agencies. This rule shall not apply to:

(1) solid waste collection vehicles where the combined total of government operated solid waste collection vehicles and private fleet operated solid waste collection vehicles providing solid waste collection services to the government agency is fewer than 15 vehicles.

(2) vehicles used by a private solid waste collection fleet operator that provide services to a governmental agency not requiring a contract or franchise agreement, and

(3) vehicles or services pursuant to ~~paragraph subdivision~~ (eg).

(c) Definitions

For purposes of this rule, the following definitions shall apply:

(1) ALTERNATIVE-FUEL HEAVY-DUTY VEHICLE means a heavy-duty vehicle or engine that uses compressed or liquefied natural gas, liquefied petroleum gas, methanol, electricity, fuel cells, or other advanced technologies that do not rely on diesel fuel.

- (2) APPROVED CONTROL DEVICE(s) is an exhaust control device(s) that is verified or certified by CARB to reduce particulate matter and possibly other precursor emissions. For the purposes of this rule, a new heavy-duty vehicle equipped with approved control devices means that the engine family has been certified by CARB. A pre-owned heavy-duty vehicle equipped with approved control devices means that the device has been verified or certified by CARB. To be considered fitted with an approved control device(s), all diesel exhaust from the vehicle must be vented through such a device(s) that has been fitted at the time of vehicle purchase or fitted by a certified device installer at the time the device is delivered to the operator.
- (3) BACKUP VEHICLE means a solid waste collection vehicle, rolloff vehicle, or transfer vehicle that is not an alternative-fuel, dual-fuel, or pilot ignition heavy-duty vehicle, and is driven fewer than 1,000 miles annually.
- (4) CONTRACT means an agreement between a private solid waste collection fleet operator and a governmental agency to perform residential or commercial solid waste collection services, in which the contractor's compensation for providing services, or a formula for determining compensation, is specified. Any option to renew the contract or automatic renewal that extends the contract performance period shall be considered a new contract and shall meet the requirements in subdivision (d).
- (35) DUAL-FUEL HEAVY-DUTY VEHICLE means a heavy-duty vehicle equipped with a diesel engine that uses an alternative fuel (such as compressed or liquefied natural gas, liquefied petroleum gas, methanol, or other advanced technologies) in combination with diesel fuel to enable compression ignition. A dual-fuel engine typically uses the alternative fuel to supply 85 percent of the total engine fuel requirement on a BTU basis. A dual-fuel engine must be certified by CARB to meet an applicable optional nitrogen oxide or combined nitrogen oxide plus non-methane hydrocarbons exhaust emission standard and be fitted with an approved control device that achieves a particulate matter emissions reduction level no less stringent than the particulate matter emissions reduction level achieved by the latest CARB verified or certified particulate matter control device for the applicable engine family operating entirely on diesel fuel.
- (6) EQUIPMENT BREAKDOWN means any malfunction to an alternative fuel solid waste collection vehicle subject to this rule, including a traffic accident, which causes the vehicle to operate in an unsafe or unusable manner.

- (7) FRANCHISE AGREEMENT is considered a contract as defined in paragraph (c)(4), regardless of any provision that specifies a rate structure, provided that the franchise agreement sets a limit on the number of private waste collection fleet operators that can provide waste collection services or the governmental agency limits the number of franchise agreements issued to private waste collection fleet operators.
- (8) GOVERNMENTAL AGENCY includes any state, regional, county, city, or governmental department and agency, and any special district such as, but not limited to water, air, sanitation, transit, and school districts.
- (49) HEAVY-DUTY VEHICLE means any vehicle having a gross vehicle weight of at least 14,000 pounds.
- (510) PILOT IGNITION HEAVY-DUTY VEHICLE means a heavy-duty vehicle equipped with an engine designed to operate using an alternative fuel as defined in paragraph (c)(1), except that diesel fuel is used for pilot ignition at an average ratio of no more than one part diesel fuel to ten parts total fuel on an energy equivalent basis. The engine shall not operate or idle solely on diesel fuel at any time.
- (611) ~~PUBLIC OR~~ PRIVATE SOLID WASTE COLLECTION FLEET OPERATOR is a person ~~who~~that owns, leases, or operates substantially in the District, solid waste collection, rolloff, or transfer vehicles. A person is ~~an~~an ~~federal, state, county, or city government department or agency; special district such as a sanitation or water district;~~ individual firm; limited liability company; association; partnership; or corporation or any other ~~entity~~ non-governmental agency that collects, transports, or transfers solid waste, yard waste, or recyclable materials.
- (12) PUBLIC SOLID WASTE COLLECTION FLEET OPERATOR is a governmental agency that owns, leases, or operates substantially in the District, solid waste collection, rolloff, or transfer vehicles.
- (713) ROLLOFF VEHICLE means any heavy-duty vehicle used for the express purpose of transporting waste containers such as open boxes or compactors.
- (814) SOLID WASTE means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. Solid waste

does not include hazardous waste, radioactive waste, or medical waste as defined in Section 40191(b) of the Public Resources Code.

- (915) SOLID WASTE COLLECTION VEHICLE means any heavy-duty vehicle used for the express purpose of collecting solid waste, yard waste, or recyclable materials from residential or commercial establishments. A solid waste collection vehicle is a vehicle having the capability to collect solid waste using, either manual or automated, front, side or rear loaders and generally operates on fixed routes.
- (4016) TRANSFER VEHICLE means any heavy-duty vehicle used for the express purpose of transferring solid waste. A transfer vehicle is usually a tractor/trailer combination where the trailer is loaded at a processing or transfer station.
- (4117) VEHICLE means any self-propelled, motorized device that is permitted to operate on public roads through Department of Motor Vehicle registration or the federal government.

(d) Fleet Requirements

- (1) ~~Beginning July 1, 2001, for public and private solid waste collection fleet operators of 50 or more solid waste collection vehicles; and beginning July 1, 2002, for public and private solid waste collection fleet operators of 15 or more solid waste collection vehicles, or a combined total of 15 or more rolloff, transfer, or solid waste collection vehicles, Beginning (date of rule amendment), all additions to an existing fleet, or formation of a new fleet, of solid waste collection vehicles shall be by purchase or lease of:~~
- (A) ~~alternative-fuel or pilot ignition heavy-duty vehicles, for public solid waste collection fleet operators and private solid waste collection fleet operators providing collection services subject to paragraph (d)(3) who have 15 or more solid waste collection vehicles or a combined total of 15 or more rolloff, transfer, or solid waste collection vehicles when adding or replacing solid waste collection vehicles to their vehicle fleet; or~~
- (B) ~~Prior to July 1, 2004, dual fuel heavy duty vehicles when adding or replacing solid waste collection vehicles.~~
- (2) ~~Beginning July 1, 2001, for public and private solid waste collection fleet operators with a combined total of 15 or more transfer or rolloff vehicles, Beginning (date of rule amendment), all additions to an existing fleet, or formation of a new fleet, of transfer or rolloff vehicles shall be by purchase or lease of alternative-fuel, pilot ignition, or dual-fuel heavy-duty vehicles when~~

adding or replacing transfer or rolloff vehicles, for public solid waste collection fleet operators and private solid waste collection fleet operators providing collection services subject to paragraph (d)(3) who have a combined total of 15 or more transfer or rolloff vehicles.

- (3) (A) Prior to January 1, 2012, any governmental agency that obtains new or renewed solid waste collection services from private fleet operator(s) shall contract for 100 percent use of alternative-fuel or pilot ignition solid waste collection vehicles, rolloff vehicles, or transfer vehicles:
- (i) No later than three (3) years from the start date of the collection services for private solid waste collection fleet operators with a combined total of 50 or fewer solid waste collection vehicles, rolloff vehicles, or transfer vehicles; and
- (ii) No later than two (2) years from the start date of the collection services for private solid waste collection fleet operators with a combined total of greater than 50 solid waste collection vehicles, rolloff vehicles, or transfer vehicles.
- (B) Beginning January 1, 2012, any governmental agency that obtains new or renewed solid waste collection services from private fleet operator(s) shall contract for the use of alternative-fuel or pilot ignition solid waste collection vehicles, rolloff vehicles, and transfer vehicles, and private fleet operators shall be required to provide 100 percent use of these vehicles no later than January 1, 2014. If non-rule compliant vehicles need to be temporarily used due to delayed delivery of rule compliant vehicles beyond the applicable compliance date, the governmental agency or private solid waste collection fleet operator shall submit a signed and dated Technical Infeasibility Certification Request (TICR) to the Executive Officer for approval at least thirty (30) days prior to the use of noncompliant vehicles, in accordance with paragraph (f)(1).

(e) Equipment Breakdown

- (1) A public or private solid waste collection fleet operator is permitted to substitute the use of a non-rule compliant backup solid waste collection, rolloff, or transfer vehicle resulting from the breakdown of a rule compliant vehicle for a period lasting no longer than fourteen (14) calendar days provided that the following requirements are satisfied:

- (A) a rule compliant solid waste collection vehicle, rolloff vehicle, or transfer vehicle is not available, and
 - (B) except for traffic accidents, the breakdown was not caused by operator error, neglect, improper operation or maintenance procedures, as determined by the Executive Officer.
 - (2) If the vehicle breakdown will last for more than fourteen (14) calendar days, the public or private solid waste collection fleet operator shall submit a signed and dated TICR to the Executive Officer for approval prior to the expiration of the fourteen (14) day period, pursuant to paragraph (f)(2).
- (f) Technical Infeasibility Certification Request
 - (1) TICRs submitted pursuant to subparagraph (d)(3)(B) shall demonstrate the unavailability of rule compliant vehicle(s) for the time period beyond January 1, 2012. This demonstration shall consist of vehicle purchase order(s), expected delivery timeframe(s), and vehicle manufacturer information that verifies delayed delivery of vehicles.
 - (2) TICRs submitted pursuant to paragraph (e)(2) shall demonstrate the length of time necessary to repair the vehicle breakdown, or if the vehicle is rendered completely inoperable, the order of a new rule-compliant vehicle or the time needed to place a rule-compliant vehicle into service, beyond the initial fourteen (14) calendar day breakdown period. At a minimum the demonstration shall identify the vehicle undergoing repair by type and VIN, vehicle repair location, specific repairs being performed, and justification for period of time necessary for repair.
 - (3) Pursuant to requirements contained in paragraphs (d)(1) or (d)(2), a TICR may be submitted to the Executive Officer to obtain approval for the purchase and use of non-rule compliant solid waste collection vehicle(s), rolloff vehicle(s), or transfer vehicle(s) where:
 - (A) no rule compliant engine and chassis configuration is available commercially or could be used, or
 - (B) dedicated vehicles are used to routinely transport solid waste in and out of the District.
 - (4) Within seven (7) calendar days of receipt of a completed TICR submitted pursuant to paragraphs (f)(1) and (f)(2), and within forty-five (45) calendar days of receipt of a completed TICR submitted pursuant to paragraph (f)(3), the Executive Officer will either approve or disapprove the TICR in writing, indicating the reasons for disapproval. The Executive Officer shall disapprove a

TICR if it does not meet the demonstration requirements of paragraphs (f)(1), (f)(2), or (f)(3). If a TICR is disapproved by the Executive Officer:

(A) The reasons for disapproval shall be given to the applicant in writing.

(B) Upon receipt of a notice of a disapproved TICR, the fleet operator shall use rule compliant vehicles pursuant to subdivision (d).

(C) The fleet operator may resubmit a TICR at any time after receiving a disapproval notification, but must still use rule compliant vehicles pursuant to subdivision (d) until such time as the Executive Officer approves a TICR.

(5) A Technical Infeasibility Certification Request is subject to plan filing and evaluation fees as described in Rule 306.

(eg) Exemptions

The provisions of this rule shall not apply to the following:

(1) No more than ten evaluation/test vehicles per fleet, provided by or operated by vehicle manufacturer for testing or evaluation, exclusively.

(2) Heavy-duty vehicles not used for the express purpose of collecting solid waste from residential or commercial establishments or transferring of solid waste from a waste transfer station to a landfill.

~~(3) Upon demonstration to the Executive Officer, any solid waste collection vehicles as required pursuant to paragraph (d) for which no alternative fuel engine and chassis configuration is available commercially or could be used.~~

(43) Any vehicle added to or replacing a vehicle in an existing fleet after the applicable implementation date of this rule, as specified in subdivision (d), as long as the purchase contract for acquisition of such vehicle is signed before the date of adoption of this rule. This exemption does not apply to the execution of options to acquire vehicles where the option is executed after the date of adoption of this rule and where vehicle delivery does not occur until after the applicable implementation date as specified in subdivision (d).

~~(5) Persons subject to this rule who are unable to comply may apply for a variance with the SCAQMD Hearing Board. (See SCAQMD Regulation V and California Health and Safety Code Sections 42350 through 42372 for information regarding variances.)~~

(64) Upon demonstration to the Executive Officer that all existing solid waste collection vehicles equipped with 1995 and subsequent model year diesel engines in the fleet, have been equipped with approved control devices, a fleet operator

may purchase dual-fuel or vehicles pursuant to subparagraph (d)(1)(B) until July 1, 2005.

(5) Vehicles contracted for solid waste collection services provided that the solicitation to obtain new or renewed solid waste collection services from private solid waste collection fleet operators was opened at least two (2) months prior to (date of rule amendment).

(fh) Compliance Auditing and Enforcement

(1) The fleet operator shall provide at the request of the District any files and/or records created to comply with subdivision (d) including fleet-specific information, such as a list of official DMV registrations, manufacturer, model-year, model, engine family number, fuel type, and fuel usage of each fleet vehicle. The fleet operator shall keep all required records for a minimum of two years.

(2) Any fleet operator seeking an exemption under subdivision (eg) shall supply proof that their vehicle or fleet is exempted from this rule when requested by the District.

(3) No later than ~~July 1, 2004~~ December 31, 2011, any fleet operator with 15 or more, but fewer than 50 vehicles subject to ~~paragraph-subdivision~~ (d)~~(4)~~ shall submit a letter to the Executive Officer outlining the intended source of alternative fuel to be used for compliance purposes.

(4) Any violation by a fleet operator of a contract or franchise agreement requirement for the use of alternative-fuel, pilot ignition, or dual-fuel vehicles, or the use of vehicles that are not authorized by this rule, is a violation of this rule.

(gi) Severability

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances. In the event any of the exceptions to this rule is held by judicial order to be invalid, the persons or circumstances covered by the exception shall instead be required to comply with the remainder of this rule.